



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 3590-99
28 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 18 December 1990 at age 18. The record shows that you received nonjudicial punishment on 18 June 1992 for disobedience and making a false official statement. The punishment imposed included a reduction in rate from MSSA (E-2) to MSSR (E-1). In the performance evaluation for the period ending 31 January 1993, you were assigned marginal marks of 3.0 in every category. However, on 16 April 1993 you were readvanced to MSSA. In the evaluation for the period ending 31 January 1994 you were assigned a mark of 3.2 in reliability and marginal marks of 3.0 in the remainder of the categories. There are no further performance evaluations in the record.

You were released from active duty due to a reduction in force on 1 September 1994 with your service characterized as honorable. At that time, you were still serving as an MSSA. The DD Form 214 shows that you were assigned an RE-4 reenlistment code, which means that you were not recommended for reenlistment.

Regulations require the assignment of an RE-4 reenlistment code to individuals who do not meet professional growth criteria by

advancing to pay grade E-3 during their enlistment. The Board believed that your record of marginal performance, and especially your failure to advance to pay grade E-3, were sufficient to support the assignment of the RE-4 reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director